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* Admitted in NY only
** Passed the Patent Bar Examination

3 Rec'd PCT/TO

10 AUG 2001

August 6, 2001

Commissioner for Patents
Box PCT
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/830,221
Title: *"Cationic Lipid-Mediated Enhancement of Nucleic Acid Immunization of Cats"*
Filing Date: April 23, 2001
Inventors: Joel R. Haynes, et al.
Our Reference No.: HKZ-034CPUS

Repln. Ref: 08/14/2001 UEDUITE 0009431500
DAH: 120080 Name/Number: 09830221
FC: 704 \$65.00 CR

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office
2. Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office;
3. Executed Declaration, Petition and Power of Attorney Documents;
4. Check in the amount of \$65.00 (surcharge); and
5. Acknowledgment postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231 on:

August 6, 2001

Date

Jeanne M. DiGiorgio, Reg. No. 41,710

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Jeanne M. DiGiorgio

Jeanne M. DiGiorgio
Reg. No. 41,710

IN THE UNITED STATES PATENT DESIGNATED OFFICE (DO/US)
(National Phase of International App.: PCT/US99/24769, Publication No. WO 00/24428)

In re the
application of: Joel R. Haynes, et al.

International Application No.: PCT/US99/24769
(Publication No. WO 00/24428)

International Filing Date: October 22, 1999

U.S. Serial No.: 09/830,221

Filed: April 23, 2001

For: *Cationic Lipid-Mediated Enhancement Of Nucleic Acid
Immunization Of Cats*

Attorney Docket No.: HKZ-034CPUS

Commissioner for Patents
Box PCT
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated June 5, 2001, Applicants' attorney submits herewith the executed Declaration, Petition and Power of Attorney for Patent Application for the above-identified patent application. A check in the amount of \$65.00, based on small entity status, is enclosed to cover the surcharge under 37 CFR 1.492(e). A copy of Form PCT/DO/EO/905 is also enclosed.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231 on:

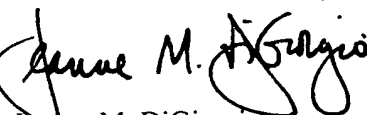
August 6, 2001

Date

Jeanne M. DiGiorgio, Reg. No. 41,710

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Jeanne M. DiGiorgio
Reg. No. 41,710



UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/830221 | HAYNES J | HKZ-034CPUS |
| INTERNATIONAL APPLICATION NO. | | |

PCT/US99/24769

ELIZABETH A HANLEY
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28 STATE STREET
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DOCKETED

4 Aug 5, 2001 Missing Requirement
1 Jan 5, 2002 ESPW597

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 22 OCT 99 | 23 OCT 98 |

DATE MAILED 05 JUN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☒ Indication of Small Entity Status.
☒ Copy of the international application. ☐ Translation of the international application into English.
☒ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☐ Other:
☐ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
 7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5).

A copy of this notice MUST be returned with this response.

- Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Karen Williams

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-805-3688

7/2/99